

Notice of Allowability

Application No.

09/930,135

Examiner

Michael D. Meucci

Applicant(s)

NISHIMURA ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09 October 2007.
2. ☒ The allowed claim(s) is/are 1, 5, 7-13, 15, 16, 18-21 and 27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20080102.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



ANDREW CALDWELL

Supervisory Patent Examiner

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-5, 7-13, 15, 16, 18-21, and 27 are allowed.
2. The following is an examiner's statement of reasons for allowance:

A content distribution notification method of informing a third party by a first party that a content distribution will be performed based on a reservation by a first party distributor terminal apparatus, said reservation for use of a distribution server, via a reservation control apparatus for controlling a reservation status of said distribution server, via a first network, and for performing a live content distribution using said distribution server based on the reservation, in order to perform the live content distribution using said distribution server for distributing content by streaming via said network to a client terminal apparatus, said content distribution notification method comprising: receiving reservation request information including a desired service time to use said distribution server and third party contact address who should be informed that the content distribution will be performed, from said first party distributor terminal apparatus to said reservation control apparatus via a network; setting a reservation based on said reservation request information; a subsequent notifying step of sending notification information based on said reservation request information to notify the third party that the content distribution will be performed, from said reservation control apparatus to the third party contact address via the network when the content distribution using said distribution server in said desired service time included in said reservation request

information is permitted; unidirectionally streaming the content distribution from a live distribution source to the third party based on said reservation request information; performing a capacity check before accepting the reservation, including determining whether a channel is opened or closed; providing a reservation summary to the first party including an indication of capacity, bands available, fee and a schedule showing which periods of time are free or reserved; and reserving by the third party, for rebroadcast by the distribution server, a predetermined portion of a previous live broadcast of said content distribution, wherein said reservation request information includes one of at least a first reservation type and a second reservation type; a permission notification step of sending, when content distribution using said distribution server in said desired service time included in said reservation request information is permitted, reservation permission notification information to notify the first party that the content distribution is permitted and that it is necessary for said first party to carry out a procedure for reconfirming the reservation via the network by a predetermined time before said desired service time to establish this reservation, from said reservation control apparatus to said first party distributor terminal apparatus via the network and wherein said notification step sends said notification information upon said distributor terminal apparatus performing said reservation reconfirmation procedure is not fairly taught or suggested by the prior art of record. Examiner finds particular novelty in the limitations requiring reserving a predetermined portion of a previous live broadcast by a third party, a permission notification being sent to the first party informing them that the content distribution is permitted, and the first party sending a reservation reconfirmation

notification. Support for this functionality can be found in the specification, p. 56 line 9 through p. 57 line 2 and p. 93 line 21 through p. 94 line 10.

The closest art of record is Murphy (U.S. 6,564,380 B1) which generally discloses a system for streaming live content having a reservation system requiring confirmation by a first party of an invitation sent by a third party. Murphy does not fairly teach the subsequent steps of sending notification information based on the reservation request information to notify the third party that the content distribution will be performed, reserving a predetermined portion of a previous live broadcast for rebroadcast by the third party, and reconfirmation of the reservation by the first party before the content distribution.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER